

REMARKS

By this amendment claim 1 has been cancelled and claims 4, 5, 6, 7 and 9 have been amended. Independent claim 9 is now the only independent claim in this application and the remaining claims depend upon it. Claim 9 will now be briefly reviewed. As amended claim 9, relates to providing metadata for still digital images captured by a user. These metadata are stored in respective digital image files of each digital image file. As set forth in element (a) the still digital images are sequentially displayed for viewing by the user. The time intervals are determined for each of the still digital images monitored by the user. The time intervals determined the degree of user interest and metadata indicating this degree of interest is stored in each digital image file. The metadata from each digital image file is then used to assist in retrieving one or more still digital images. It is believed that amended claim 9 clearly sets forth the invention and defines new and unobvious subject matter.

Claims 1 and 9 were rejected under 35 USC 103(a) as being unpatentable over Forest (US 6,160,536), further in view of Fernandes (US 2003/0040958), further in view of Turnbull et al., (US 7,089,237), further in view of Trubey et al., (US 2002/0077930), and further in view of Garcia et al., (US 2002/0018067). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Forest (US 6,160,536), further in view of Fernandes (US 2003/0040958), further in view of Turnbull et al., (US 7,089,237), further in view of Trubey et al., (US 2002/0077930), and further in view of Garcia et al., (US 2002/0018067), and further in view of Aoki et al., (US 6,947,601 B2). Claims 4 and 6 were rejected under 35 USC 103(a) as being unpatentable over Forest (US 6,160,536), further in view of Fernandes (US 2003/0040958), further in view of Turnbull et al., (US 7,089,237), further in view of Trubey et al., (US 2002/0077930), and further in view of Garcia et al., (US 2002/0018067), further in view of Aoki et al., (US 6,947,601 B2), and further in view of Ventrella et al., (US 6,545,682 B1). Claims 7 was rejected under 35 USC 103(a) as being unpatentable over Forest (US 6,160,536), further in view of Fernandes (US 2003/0040958), further in view of Turnbull et al., (US 7,089,237), further in view of Trubey et al., (US 2002/0077930), and further in view of P. J. Lang “Looking at pictures: Affective, facial, visceral and behavioral reactions”..

Forest teaches interactive displays and interactive display methods for use by persons lacking normal motor skills. In particular, an operator selects a letter by pointing to an image on a display and the pointing time is monitored to see if it exceeds a predetermined time. Forest does not relate or provide any motivation for a user capturing digital images and says nothing about storing metadata indicating the degree of interest for each of the still digital images in their respective digital image files, nor using the metadata to assist in retrieving the still digital images.

Fernandes teaches interactive an electronic commerce apparatus and method. In particular, site pages visited storage 318 may record all web pages on a website that have been visited by a particular user, and may include the dwell time for the particular consumer on each web page. Fernandes does not relate or provide any motivation for a user capturing digital images and says nothing about storing metadata indicating the degree of interest for each of the still digital images in their respective digital image files, nor using the metadata to assist in retrieving the still digital images. Fernandes does teach storing dwell time in site pages visited storage 318, but this dwell time is not stored in the same file that produces the web page to which it relates. Furthermore, the web page is not the equivalent of a still digital image captured by a user. The user or viewer of the web pages does not capture any still digital images.

Turnbull teaches a search and recommendation system employing preferences and profiles of individual users and groups. In particular, items, domains or other objects are assigned a preferred status on the basis of user relevance criteria including dwell time within a link. Turnbull does not relate or provide any motivation for a user capturing digital images and says nothing about storing metadata indicating the degree of interest for each of the still digital images in their respective digital image files, nor using the metadata to assist in retrieving the still digital images. Turnbull does teach monitoring dwell time within a link, but this dwell time is not stored in the same file that produces the web page to which it relates. Furthermore, the web page is not the equivalent of a still digital image captured by a user. The user or viewer of the web pages does not capture any still digital images.

Trubey teaches a networked system for merchandising products to users who access the network via a browser. In particular, one of the statistics used when prioritizing pages to be merchandised is “dwell time”. Trubey does not relate or provide any motivation for a user capturing digital images and says nothing about storing metadata indicating the degree of interest for each of the still digital images in their respective digital image files, nor using the metadata to assist in retrieving the still digital images. Trubey’s dwell time is not stored in the same file that produces the web page to which it relates. Furthermore, the web page is not the equivalent of a still digital image captured by a user. The user or viewer of the web pages does not capture any still digital images.

Carcia teaches a system for altering selected digital images in accordance with selected sound characteristics. In particular, Garcia discloses a system that alters still digital images. As the Examiner notes, Garcia does not relate or provide any motivation for storing metadata indicating the degree of interest for each of the still digital images in their respective digital image files, nor using the metadata to assist in retrieving the still digital images. Garcia provides no motivation for combination with the other references since the other references do not relate to still digital images and Garcia as well as the other references cited by the Examiner provide no discussion of digital image files having metadata that relates to interest of a user.

Aoki relates to the rejection of dependent claim 5. Aoki teach a data transmission method able to maintain the quality of a transmitted image. In particular, the face image in a region displayed on a monitor is cut out based on face position coordinates that have been previously transmitted. Aoki does not provide any suggestion for the features discussed above with respect to claim 9.

Ventrella relates to the rejection of dependent claims 4 and 6. Ventrella teaches a method and apparatus for creating an avatar, which may include genes for facial features. Ventrella does not provide any suggestion for the features discussed above with respect to claim 9.

Lang relates to the rejection of dependent claim 7. As the Examiner points out, Lang on page 3, in note 2 relates to rating pleasantness by using facial features from an extreme frown to a broad smile. Lang does not provide any suggestion for the features discussed above with respect to claim 9.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.